Filling by Officer of Vacancy Caused by His Own Removal.—The charter of a borough provided that its president be elected by its electors. Owing to charges against Ahern, the incumbent of that office, he was removed by the Governor. Thereafter the board of aldermen appointed him to fill the vacancy caused by his own removal. In People *v.* Ahern, 113 New York Supplement, 876, the right of Ahern to hold his office was contested. As there was no doubt about the vacancy and the legal method of filling it, the eligibility of the incumbent was the main question. The New York Supreme Court, holding that Ahern was eligible, remarked that if, in our form of government, it was intended that removal from a public trust should also carry with it the penalty of depriving the person so removed from again holding or being chosen to the same, a clear expression of such an intention would have been stated.

Right of Subrogation.—A contractor engaged in constructing a lock for the United States had agreed that all sums for labor or materials should be promtly paid. Finding himself unable to complete the undertaking, he assigned the contract and a sum for work performed which had been reserved by the government. There was a loss on the operation which the surety on the bond had to pay. Both the assignee and the surety sought to recover the fund held in reserve which had been paid into court. In Hardaway *v.* National Surety Co., 29 Supreme Court Reporter, 202, the United States Supreme Court held that the sum should be credited upon the total amount paid by the surety for the satisfaction of labor claims. The right of the surety to be subrogated had attached prior to the assignment, and was superior to any right of an assignee.

Brief Should Contain Argument but Not Scolding.—In the brief of respondent in Rahles *v.* J. Thompson & Sons Mfg. Co., 119 Northwestern Reporter, 289, appeared assertions that the court, by designating questions of fact as questions of law under the guise of correcting errors of law, would abolish trial by jury in personal injury cases where the gist of the action is negligence. The Wisconsin Supreme Court, characterizing these expressions as scolding, remarked that every person who aspires to practice law should be able to distinguish between argument and mere scolding. " 'Argument' is a connected discourse based upon reason, a course of reasoning tending and intended to establish a position and to induce belief. 'Scolding' is mere clamor, railing, personal reproof. Argument dignifies the orator and instructs and convinces the auditor. Scolding relieves somewhat the hysteria of the scolder, but only amuses or irritates the hearer. Argument is the professional weapon of the lawyer; scolding that of the communis rixatrix. Argument is enjoyed and welcomed in a brief for rehearing; scolding has no proper place therein."